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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,651

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Fabrice Madigou

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05/22/2009

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER

JONES, MARCUS D

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,651	<b>Applicant(s)</b> MADIGOU ET AL.	
	<b>Examiner</b> MARCUS D. JONES	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8,9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8,9 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 May 2009 has been entered.

Claims 1, 3-5, 8, 9 and 12 are currently pending.

Claims 2, 6, 7, 10 and 11 are cancelled.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: Claim 3 depends on claim 2 which has been cancelled, it is the Examiner's belief that claim 3 was intended to depend on claim 1 and has been treated as such for the remainder of this Office Action. Appropriate correction is required.

3. Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

4. As amended, claim 8 is exactly the same as the newly submitted claim 12.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claims 1, 3-5, 8, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ilan G et al. (WO 2001/15059).**

In reference to claims 1, 8, and 12, Ilan G discloses: An electronic game system, that comprises: an electronic game platform comprising a central unit, a memory, a dynamic display device capable of being placed in a essentially horizontal position, at least one input device for a user , and a means of transmitting information by wireless transmission (see Figure 1, pg 8, *System 100 includes a screen, a receiver, a host computer (a host computer inherently includes a central unit and memory) and a plurality of object devices. Computer is connected to receiver and to screen. Object devices are placed over the screen*), and a plurality of pawns that can be moved on the display device (see Figure 2), each pawn including a means of receiving information by wireless transmission capable of communicating with said transmission means (pg 8, *respective signal is wirelessly transmitted*), a control means sensitive to the received information, and a means of animating the pawns controlled by the control means (pg 13, *Processor 252 provides commands to motors to move the device. The movement commands can be provided from the controlling host computer, producing command patterns at the last device location*), wherein each pawn has its own address for

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reception of said information (pg 12, *object identified by its respective identification code*), wherein each pawn is powered by a rechargeable battery, and the game platform and the pawns comprise positions for recharging the pawns' batteries (pg 5, *The device can further include a rechargeable power unit, connected to the digital logic unit and to the at least one of the optical detectors. The optical detect converts detected light into electricity, thereby charging the rechargeable power unit*).

In reference to claims 3 and 9, Ilan G discloses: characterized in that the animating means comprises a device selected from the group consisting of light sources, mechanical actuation, sound sources and vibration sources (pg 13 and see Figure 8, *light sources 208 A and B, a plurality of motors and a speaker*).

In reference to claims 4 and 5, Ilan G discloses: characterized in that the detection means comprises an apparatus selected from the group consisting of optical sensors, mechanical sensors, electromagnetic sensors, sound sensors and vibration sensors (pg 5, *sound detection unit*, pg 12 and see Figures 7A and 7B, *light detector 202A and B*).

### ***Response to Arguments***

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/  
Examiner, Art Unit 3714

/John M Hotaling II/  
Supervisory Patent Examiner, Art  
Unit 3714